

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LASHAWNDRA LEE)	
)	
Plaintiff,)	
)	
v.)	No. _____
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

LASHAWNDRA LEE, Plaintiff, complains of the UNITED STATES OF AMERICA, Defendant, and would respectfully show the Court the following:

I.

This action arises under the Federal Tort Claims Act, 28 U.S.C., Section 1346(b) and 2671 et seq.

II.

Plaintiff is a resident of El Paso County, Texas and the events complained of occurred in El Paso County, Texas. Venue in the El Paso Division is appropriate based on 28 U.S.C., Section 1391(b).

III.

At all relevant times, Defendant UNITED STATES OF AMERICA, by and through its agency the Department of the Army, owned and operated a hospital known as William Beaumont Army Medical Center (hereafter referred to as WBAMC) in El Paso, Texas.

IV.

At all relevant times, Plaintiff was treated by doctors, nurses, and other medical staff, some of which are unknown to the Plaintiff, all of whom were employed as doctors, nurses and other medical assistants at WBAMC. In doing or omitting to do all of the things alleged herein, the Defendant, and agents of the Defendant, were acting within the course and scope of their employment, and with the permission and consent of the Defendant.

V.

On or about April 6, 2017 Plaintiff underwent total abdominal hysterectomy at William Beaumont Army Medical Center. During the surgery the left ureter was transected. Intraoperatively, urology consult was requested. Urologists consulted and then performed a ureteroneocystostomy.

VI.

The Defendant, and the agents of the Defendant, were negligent in one or more of the following:

1. Transecting, or causing other injury, to the left ureter of Plaintiff during hysterectomy surgery.

VII.

As a direct and proximate result of one or more of the foregoing acts or omissions, Plaintiff suffered the following damages, both past and future:

- a. Physical pain and mental anguish;
- b. Physical impairment;
- c. Disfigurement; and
- d. Medical expense.

By reason of the foregoing the Plaintiff has been damaged in the sum of THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00).

VIII.

Plaintiff's administrative claim was finally denied on April 16, 2019. This lawsuit is filed within six months of that date.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited and served to appear and answer, and upon final trial of this cause, Plaintiff have judgment against the Defendant in the sum of THREE HUNDRED FIFTY DOLLARS (\$350,000.00), and for such other and further relief, both general and special, at law and in equity to which Plaintiff may be justly entitled.

Respectfully submitted,

BOYAKI LAW FIRM

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By: /s/ Walter L. Boyaki

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